

**CITED ART SUBJECT TO OBLIGATION OF ASSIGNMENT TO SAME**

**ASSIGNEE – 35 U.S.C. §103 (C)**

The Applicant respectfully requests that the Examiner remove U.S. Patent Application Publication No. 2003/0196204 (“Thiagarajan”) as a prior art reference in prosecution of the instant application as a result of the following statement as set forth in the Manual of Patent Examining Procedure, 706.02(1)(2) II. With regard to subject matter of a §102(e) reference, this law is effective for applications filed November 29, 1999 and later.

The instant application and the cited reference, U.S. Patent Application Publication No. 2003/0196204 were, at the time the invention of the instant application was made, owned by or subject to an obligation of assignment to Microsoft Corporation (instant application: Reel/Frame 014880/0251, recorded 01/09/2004; U.S. Patent Application Publication No. 2003/0196204: Reel/Frame 012811/0085, recorded 04/15/2002). This application was filed after November 29, 1999.

Applicant respectfully submits that the cited art, U.S. Patent Application Publication No. 2003/0196204, only qualifies as prior art under §102(e), and shared a common assignee with the instant application at the time the subject matter of the instant application was conceived. Thus, for at least this reason, U.S. Patent Application Publication No. 2003/0196204, cited in combination with Gray, U.S. Patent Application Publication No. 2004/0268401, under §103(a) should be disqualified under §103(c).